

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ROCHELLE MATHESON,

Plaintiff,

V.

**WINCO FIREWORKS INTERNATIONAL,
LLC, MICHAEL COLLAR, and ANDREW
SWICKARD,**

Defendants.

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Cause No. 1:20-CV-492 JRS-DML

**PLAINTIFF'S COUNSEL'S RESPONSE TO THE
COURT'S ORDER TO SHOW CAUSE**

Comes now, Plaintiff, by counsel, and offers this Response to the Court's Order to Show Cause.

1. There is no exigent circumstance counsel can point to as an explanation for not participating in the pre-trial conference set for Friday, July 24th at 10:30 a.m.

2. When the order setting the pre-trial conference was issued in June, counsel's office recorded the pre-trial conference as being set for 1:30 p.m. It was a careless scrivener's error. There was no process in place then to verify and double check that court order's setting conferences were accurately recorded on calendars.

3. Counsel had noticed problems with his eyesight of late. My prescription was changed, and I now have one pair of glasses for reading and a second for driving.

4. Counsel previously missed a pre-trial conference with this court due to a calendaring error. Counsel showed up – in person – for a conference that was miss-calendared by one-half hour.

5. Counsel learned of his mistake when he went to note the call-in details (number and access code) on Friday at roughly 11:30 a.m. At that point, the conference had already concluded.

6. Given this indiscretion – and the previous event – counsel defers to the Court and will rely on its good judgment as to a proper consequence.

7. Given these events, Counsel has hired a part-time assistant who will be used, among other things, to update and verify calendar appointments. A second address has recently been created and will be added to the ECF notice for the firm. Said individual will be responsible for double checking and verifying all court dates on Counsel's calendar. This back-up process should be in place no later than August 7, 2020.

Counsel again apologizes to the court and counsel for Defendant for this indiscretion.

Respectfully submitted,

/s/ Christopher S. Wolcott
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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify and affirm that a true and accurate copy of the foregoing document was served upon counsel for Defendant by operation of the Court's Electronic Filing System on August 1, 2020 at the following address of record for counsel of record:

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